

## MEMORANDUM

DATE: July 30, 2007

TO: Mr. Harry Hill, Director  
Division of Medicaid and Medical Assistance

FROM: Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: DMMA Proposed LTC Promissory Note & Life Estate Regs. [11DE  
Reg. 20 (July 1, 2007)]

The State Council for Persons with Disabilities (SCPD) reviewed the final regulations published in [DE Reg. 1596 (April 1, 2007)], which incorporated all of the Council's suggestions with one exception, i.e., the regulation deleted an authorization for a note holder to demonstrate that the note's value was less than its outstanding principal balance. Although the regulations were final, the SCPD solicited reconsideration by you. Thank you for agreeing with the Council's concern and DMMA has now issued a proposed regulation authorizing a note holder to present proof of devaluation of a note.

SCPD would like to share two suggested amendments to §20330.3.1 as follows:

First, the word "or" should be inserted between "loan" and "mortgage".

Second, the word "instrument" should be substituted for "agreement". The word "instrument" is a legal term of art for a formal document and is commonly used to refer to mortgages, loans and notes. It is a more apt term than agreement in this context.

Thank you for your consideration; and please contact SCPD if you have any questions or comments regarding our observations on the final regulation.

Cc: Ms. Sharon L. Summers, DMMA  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

